

Applicant : Scott W. Bjorge
Serial No. : 10/775,998
Filed : February 10, 2004
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Attorney's Docket No.: 13506-019001

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to FIG. 3b and replaces the original sheet including FIGS. 2-7.

In FIG. 3b, a lead line for reference numeral 20 was added. No new matter was added by this amendment to the drawings.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)

REMARKS

Claims 17, 28, 31, 32, 35, and 39 have been amended. Claims 17-39, including independent claims 17, 28, and 35, are pending. No new matter has been added.

Applicant would like to thank the Examiner for the courtesies extended during the telephonic interview on April 14, 2005, during which the cited U.S. Patent No. 3,143,090 to Cecil et al. and the amendments and argument presented herein were discussed.

Objection to the Drawings

The attached replacement sheet of drawings includes changes to FIG. 3b—a lead line for reference numeral “20” in FIG. 3b was added. No new matter has been added by this amendment to the drawings. Applicant respectfully requests that the objection to the drawings be withdrawn.

Objections to the Claims

Claims 17, 28, 31, 32, and 39 have been amended to correct typographical errors or to provide antecedent basis for particular claim terms. In claim 17, the phrase “soil a” has been changed to “a soil” to correct a typographical error. In claim 28, the phrase “soil fracturing face” has been changed to provide antecedent basis for the phrase “soil fracturing means” in claim 32. In claim 31, the term “planterary” has been changed to “planetary” to correct a typographical error. In claim 32, the term “the” has been added to provide antecedent basis for “aeration pockets.” In claim 39, the term “the” has been added to provide antecedent basis for “aeration pocket.” No new matter has been added by these claim amendments. Applicant notes that these claim amendments made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purpose of overcoming art or for patentability or narrowing the claims.

Rejections under 35 U.S.C. § 102(b)

Claims 17, 22, 23, 25, 26, 28, 31, 32, 33, 35, and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,143,090 to Cecil et al. (hereinafter "Cecil"). Applicant respectfully submits the subject matter of amended independent claims 17, 28, and 35 is patentable over Cecil and all other prior art of record.

Amended independent claim 17 describes a soil aerator comprising a planetary gear system to urge the aeration tines "in a compound motion while at least a portion of said aeration tines are in the ground surface." Amended independent claim 28 describes a soil aerator comprising a planetary drive means to urge the aeration means "in a compound motion while at least a portion of said aeration tines are in the ground surface." Amended claim 35 describes a method comprising rotating a tine rack about its longitudinal axis to cause the aeration tine to move "in a compound motion while at least a portion of said aeration tine is in the ground surface."

The Cecil reference teaches of a soil treating drum having spikes 55 that penetrate the ground and withdraw from the ground while oriented in a position "generally perpendicular to the ground." (Col. 4, line 32.) Cecil's gear train is specifically designed to maintain the spikes 55 "in depending vertical positions during each entire cycle of rotation of the treating drum 21." (Col. 4, lines 29-30.) At no point during the ground penetration are the spikes 55 urged in a compound motion while in the ground surface, but instead the spikes 55 remains in a vertical orientation "to thereby avoid disturbance of the ground." (Col. 1, lines 31-32.) The limitations of independent claims 17, 28, and 35 thus are not met by the Cecil reference.

Applicant respectfully submits that amended independent claims 17, 28, and 35 are patentable over the prior art of record and are in condition for allowance. Likewise, claims 18-27 (which depend from claim 17), claims 29-34 (which depend from claim 28), and claims 36-39 (which depend from claim 35) are believed to be in condition for allowance.

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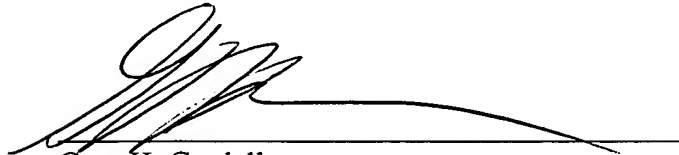
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No fee is believed due at this time. If necessary, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

4/18/05



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